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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Dowan Hall,

No. CV-17-04118-PHX-JJT (MHB)

10 Petitioner,

ORDER

11 v.

12 Charles L. Ryan, *et al.*,

13 Respondents.

14
15 At issue is the Report and Recommendation (“R&R”) (Doc. 12) submitted by
16 United States Magistrate Judge Michelle H. Burns, recommending that the Court deny and
17 dismiss as untimely the Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254.
18 (Doc. 1.) In the R&R, Judge Burns warned the parties they had fourteen days after its
19 issuance on November 30, 2018, to file any objections thereto, and if none were filed, the
20 Court may accept the R&R without further review. (Doc. 12 at 7-8.) *United States v. Reyna-*
21 *Tapia*, 328 F.3d 1114, 1121, 1128 (9th Cir. 2003). Petitioner has filed no objections and
22 the time to do so has long passed. The Court is thus entitled to accept the R&R and dismiss
23 the Petition.

24 Even upon an independent review of the merits, however, the Court concludes Judge
25 Burns’ analysis and recommendation are correct. The Arizona Court of Appeals affirmed
26 Petitioner’s convictions and sentences November 4, 2010. They became final for purposes
27 of seeking collateral review thirty days later—on December 6, 2010. The limitations period
28 for initiating these proceedings started running that day, and expired one year later absent

1 tolling, on December 6, 2011. Petitioner did not file his Petition until November 8, 2017.
2 His Petition is thus nearly six years late and he presents no basis for the application of
3 statutory or equitable tolling of that deadline, as Judge Burns concluded.

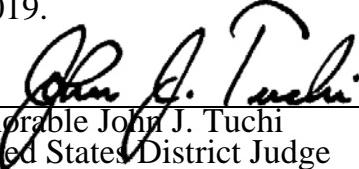
4 IT IS ORDERED adopting in full the R&R in this matter. (Doc. 12.)

5 IT IS FURTHER ORDERED denying and dismissing with prejudice the Petition
6 for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. (Doc. 1.)

7 IT IS FURTHER ORDERED denying a Certificate of Appealability or leave to
8 proceed *in forma pauperis* on appeal. The Court finds the dismissal of the Petition is
9 justified by a plain procedural bar, and that jurists of reason would not find the procedural
10 ruling debatable.

11 IT IS FURTHER ORDERED directing the Clerk of Court to terminate this matter.

12 Dated this 11th day of February, 2019.

13 
14 Honorable John J. Tuchi
United States District Judge